



GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA,
DELHI-110092

Website: www.dsssb.delhigovt.nic.in

No.F.61/DS(IC)/CAT Order/2016

1719

Dated: 16/01/2017

ORDER

This order shall dispose of the Legal Notice dated 17.08.2016 filed by Sh. Anuj Aggarwal, Advocate challenging the rejection of the candidature of Ms. Julie, (Roll No.45000467) under Post code 07/13 for the post of TGT Hindi (Female) in Directorate of Education.

2. The applicant Ms. Julie had filed an application bearing O.A. No.3031/2016 in the Hon'ble CAT. The OA was disposed of by the Hon'ble CAT at the admission stage with the direction to the respondent, DSSSB to consider the Legal notice dated 17.08.2016 in the light of the Judgments of the Hon'ble High Court, cited in the O.A. in the matter of Mrs. Manju Pal V. Govt. of NCT of Delhi & another (L.P.A. No.485/1999), Govt. of NCT of Delhi & Others V. Sachin Gupta (W.P. (C) No.1520/2012) and Directorate of Education & another V. Neelam Rana (W.P.(C) No.573/2013) and take a decision in respect of the candidature of the applicant. Further, the Hon'ble CAT also directed that in case the respondents feel that the applicant's case is not covered by the Judgments (supra) or there are some other reasons for not accepting her prayer, they may pass a reasoned and speaking order with a copy to the applicant.

3. The Ld. Advocate, Sh. Anuj Aggarwal vide the said legal notice dated 17.08.2016 has submitted that the rejection notice No.41 dated 18.07.2016 whereby the candidature of Ms. Julie, Roll No.45000467, Post code 07/13 was declared as not eligible is bad in law for the reason that the respondent Board has wrongfully rejected her candidature even though she fulfils all the eligibility criteria for the post of TGT (Hindi). In order to further justify his stand, the Ld. Advocate vide sub para iv & v of Para-40 of the said Legal notice has submitted that his client, Ms. Julie has passed B.A. examination with Sanskrit as main subject and Hindi as compulsory subject. She has also passed Senior Secondary with Hindi as a subject in the year 2005. In addition to Hindi at Senior Secondary level as well as at Graduation level, she has also passed Hindi subject paper at Secondary School level in 2003. He has, therefore, contended that the candidate, Ms. Julie is duly qualified for the post of TGT (Hindi). The Ld. Advocate has also cited the judgement of Hon'ble High Court in the matter of Manju Pal Vs. GNCT of Delhi and Another {2002 (61) DRJ 58}. He has further argued that Ms. Julie should also be given the benefit as extended to Mrs. Manju Pal in the said judgment of the Hon'ble High Court. Besides the case of Mrs. Manju Pal, the applicant has also cited the judgments of the Hon'ble High Court in two similar matters, viz., Govt. of NCT of Delhi & Others V. Sachin Gupta (W.P. (C) No.1520/2012) and Directorate of Education & another V. Neelam Rana (W.P.(C) No.573/2013) and has submitted that she should be considered eligible for the post of TGT Hindi by giving the benefit, as extended to the candidates by the Hon'ble High Court.

4. Brief facts of the case are that Ms. Julie was one of the candidates for the post of TGT Hindi (Female), Post code 07/13 under SC category. She had applied for the said Post codes in response to advertisement No.1/13 dated 20.02.2013 issued by the Board. As per the said advertisement, one of the essential qualifications for eligibility for the post of TGT MIL (Modern Indian Language) was that the candidate should have 'B.A. (Honours) in one of the Modern Indian Languages (MIL) concerned or BA with MIL concerned as one of the Elective Subjects from a recognised University having 45%

marks in aggregate with one additional language or one school subject. Further, the word 'Elective' was also defined as 'The candidate should have studied the subject concerned as mentioned in the RRs in all parts/years of graduation. The elective word may also include main subject as practised in different Universities.' The candidates were not required to file the copies of their certificates for eligibility alongwith the application form. The written examination for selection of candidates against the notified vacancies for the said Post code was conducted on 28.12.2014 and the marks list were displayed on the website of the Board in January, 2016. Only short-listed candidates, as per their merit against the available vacancies were called for document verification for checking their eligibility as per the notified eligibility conditions.

5. The candidate, Ms. Julie was also called for verification of documents as she was under the consideration zone as per marks obtained by her in the written examination. However, while checking the documents submitted by the candidate, it came to notice that she had Hons degree in Sanskrit subject from University of Delhi. Besides the main subject Sanskrit in her Hons course, she has also studied 04 more subjects, Hindi, Political Science and Geography as disciplinary course subject and English as qualifying language course. These 04 auxiliary subjects were studied for a maximum of 50 marks each. She has studied Hindi as a disciplinary course subject for 50 marks each in her 1st and 2nd year of graduation. Hindi not being the main subject in graduation, she does not fulfil the eligibility criteria of essential qualification as per Recruitment Rules mentioned above. Further, the candidate though has done a post graduation in Hindi subject, the same has been acquired by her in March, 2014, i.e. much after the cut of date fixed for the recruitment, i.e. 20.03.2013. As such, the post graduation qualification in Hindi has got no relevance to the process of recruitment in question. The qualification acquired by the candidate as on cut of date makes her eligible for the post of TGT (Sanskrit) only and not for TGT (Hindi) or any other TGT post as besides Sanskrit, the other subjects have been studied as auxiliary subjects and not as main subjects.

6. Now coming to the point regarding the Judgement of the Hon'ble High Court cited by the applicant/the learned advocate in the legal notice, the clarifications are as under:-

- i) The issue involved in the Writ filed by Mrs. Manju Pal is entirely different from that of the applicant, Ms. Julie. In the case of Mrs. Manju Pal, she was an applicant for the post of Assistant Teacher in MCD for which one of the essential qualification was that the candidates should have studied Hindi at 10th/12th level. The Petitioner, though had not studied Hindi at 10th/12th level, she had studied Hindi at graduation level. The Hon'ble Court viewed that the higher qualification in the language concerned better equips the Petitioner for the required level of knowledge of Hindi as such she should be considered. The matter in the case of Ms. Julie is, however different due to the position already explained in the preceding paras.
- ii) As regards Sh. Sachin Gupta, it is submitted that he was claiming eligibility for the post of TGT (Social Science) on the basis of having studied Economics and Commerce in his B.Com (Hons.) Degree and, therefore, cannot be equated to the case of Ms. Julie.
- iii) In the case of the Writ Petition filed by Ms. Neelam Rana, the Hon'ble High Court had given her the benefit of higher qualification, i.e. post graduation on the teaching subject though she did not study the teaching subject at the graduation level as an elective subject whereas Ms. Julie has done her post graduation in Hindi subject in March, 2014, which is much after the cut off date for recruitment process, i.e. March, 2013.

7. In view of the foregoing discussion, the decision of the Board regarding rejection of the candidature of Ms. Julie for the post of TGT Hindi (Female), Post code 07/13 under SC category is in order and the grounds taken by the Ld. Advocate in the legal notice have been found to be irrelevant/ inapplicable to the present case. The judgments cited by the applicant don't come to her rescue. The claim of the candidate for consideration of her candidature for the post of TGT (Hindi) submitted through the Legal notice dated 17.08.2016, therefore, stands rejected after thorough examination of full facts about the case as narrated above. The Board, therefore, finds no merit in reviewing its decision regarding rejection of the candidature of Ms. Julie already issued vide rejection Notice No.41 dated 18.07.2016 and thus upholds its earlier decision.

8. This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble CAT.

9. Let this order be served upon Ms. Julie through Speed post.



Dy. Secretary, DSSSB

Ms. Julie, D/o Sh. Chander Pal Singh
35-D, Pocket D2, Janata Flats,
Kondli Gharoli, Mayur Vihar-III
Delhi

Copy to:

1. PS to Chairman, DSSSB
2. PA to Member/COE
3. Dy. Secretary (P&P) and Legal
4. Superintendent, E-III, Room No.222, Directorate of Education, Old Sectt., Delhi
- ✓ 5. System Analyst, IT with the request to upload the Notice on the website of the Board
6. Guard file



Dy. Secretary, DSSSB